

SC331. SUBCHAPTER 331
CIVILIAN AIR TRAFFIC CONTROLLERS
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SC331. SUBCHAPTER 331

CIVILIAN AIR TRAFFIC CONTROLLERS

References: (a) DoD 1400.25-M, Civilian Personnel Manual, Subchapter 331, dated July 31, 2000, hereby superceded
(b) Sections 3307(b), 3323(a), 8331(d), 8335(a), 8336(e), 8339(e), 8412(e), 8415(d), and 8425 of title 5, United States Code
(c) DoD Directive 1400.25, DoD Civilian Personnel Management System, dated November 25, 1996

SC331.1. REISSUANCE AND PURPOSE

This Subchapter:

SC331.1.1. Reissues reference (a) to update policy and procedures regarding the employment of civilian Air Traffic Controllers (ATCs) in the Department of Defense (DoD).

SC331.1.2. Delegates authority and prescribes procedures regarding the employment of civilian ATCs in the Department.

SC331.1.3. Sets the maximum entry age for identified ATC positions and establishes procedures to be used in the waiver process.

SC331.1.4. Delegates the authority to approve waivers of the entry age.

SC331.2. APPLICABILITY AND SCOPE

This Subchapter applies to civilian ATC positions in the Department of Defense.

SC331.3. DEFINITIONS

SC331.3.1. Air Traffic Controller. A civilian employee who, in an ATC facility (tower, Ground Controlled Approach, and approach control), is actively engaged in the separation and control of air traffic or in providing preflight, in-flight, or airport advisory service to aircraft operations, or is the immediate supervisor of any such employee.

SC331.3.2. Original Entry. An individual's first appointment in the Department of Defense to a covered ATC position.

SC331.3.3. Covered Position. A position that has been identified by a DoD Component as an ATC position for special retirement coverage in accordance with Subchapter 830 of this Manual for employees under the Civil Service Retirement System (CSRS) or Subchapter 840 of this Manual for employees under the Federal Employees Retirement System (FERS).

SC331.3.4. Covered Service. The time an employee spends working in an identified ATC position that is creditable for meeting the requirement for immediate retirement under the special retirement provisions for air traffic controllers (Sections 8336(e) for CSRS and 8412(e) for FERS of title 5, United States Code (U.S.C.) (reference (b))).

SC331.4. POLICY

It is DoD policy to:

SC331.4.1. Employ well trained, knowledgeable, and competent ATCs who have the capacity to perform the essential functions of their positions without risk to themselves or others.

SC331.4.2. Employ ATCs possessing personal, physical, and emotional characteristics necessary to perform ATC work without unacceptable risk.

SC331.4.3. Set a maximum age limit for original entry of qualified applicants for identified ATC positions under Section 3307(b) of 5 U.S.C. (reference (b)).

SC331.5. DELEGATIONS OF AUTHORITY

SC331.5.1. Position Coverage Determinations. The Secretaries of the Military Departments and heads of Defense Agencies and DoD Field Activities with independent appointing authority for themselves and their serviced organizations, herein referred to as the DoD Components, are delegated authority to determine the ATC position(s) for Special Retirement Coverage under CSRS and FERS.

SC331.5.1.1. This responsibility may be re-delegated, in writing, to a DoD Component official reporting directly to the Head of the DoD Component or Deputy DoD Component Head. Such designated representative must be the sole representative for the entire DoD Component.

SC331.5.2. Maximum Entry Age Waivers. The Head of a DoD Component may approve, as prescribed in subparagraph SC331.6.4, the original entry of an individual who exceeds the maximum entry age limit. This authority should be redelegated, in writing, to the lowest organizational level practical to enable timely hiring decisions in support of mission requirements.

SC331.5.3. Reentry Waivers. The Head of a DoD Component may approve reentry waivers into covered positions for individuals who do not meet the reentry formula prescribed in paragraph SC331.6.5. This authority should be re-delegated, in writing, to the lowest organizational level practical to enable timely hiring decisions in support of mission requirements.

SC331.5.4. Mandatory Age Separation Waivers. The Head of a DoD Component may approve a waiver of the mandatory separation provisions of 5 U.S.C. 8425 (reference (b)), when an ATC who is otherwise eligible for immediate retirement under 5 U.S.C. 8412(e) (reference (b)) meets the criteria prescribed in subparagraph SC331.6.6.1., below. This authority may be delegated, in

writing, to the lowest organizational level practical to enable timely hiring decisions in support of mission requirements.

SC331.6. PROCEDURES

SC331.6.1. Position Coverage Determinations.

SC331.6.1.1. Designees in subparagraph SC331.5.1. shall establish coverage determination files that include all background material used in the determination.

SC331.6.1.2. Upon retirement, designees in subparagraph SC331.5.1 must certify to the Office of Personnel Management (OPM) that the employee's service was in a covered position.

SC331.6.2. Filling Positions.

SC331.6.2.1. In filling positions, human resources offices must refer individuals who may be eligible for waivers in accordance with subparagraph SC331.6.4. along with other equally qualified candidates. Referral lists must be annotated to identify those requiring waivers. If a candidate requiring a waiver is selected, a tentative offer pending age waiver approval may be made.

SC331.6.3. Maximum Entry Age. Except as provided in paragraph SC331.6.4, below, 36 is the maximum entry age for original entry into an identified ATC position. An individual not appointed by the last day of the month in which the individual reaches his or her 36th birthday shall not be appointed or assigned to an ATC position.

SC331.6.3.1. Any individual who has reached the mandatory separation age (56) is not eligible for employment/reemployment as an ATC (5 U.S.C. 3323(a) (reference (b))).

SC331.6.4. Exceptions to the Maximum Entry Age.

SC331.6.4.1. Designees in subparagraph SC331.5.2 may approve the original entry of an individual who has exceeded the maximum entry age limit prescribed in subparagraph SC331.6.3, provided the following criteria are met:

SC331.6.4.1.1. The individual has received ATC Specialist Certification according to Federal Aviation Administration (FAA) Standards, and

SC331.6.4.1.2. The individual has been qualified and facility certified in a DoD or FAA ATC facility.

SC331.6.4.2. Each exception shall be in writing and signed by the Head of the DoD Component or designee.

SC331.6.4.3. A copy of the approved exception shall be filed in the Official Personnel Folder (OPF) of the person for whom the waiver has been granted.

SC331.6.4.4. An employee in this category who is not otherwise eligible for immediate retirement may remain employed in a covered position until he or she meets the retirement requirements of 5 U.S.C. 8336(e) (CSRS) and 8412(e) (FERS)(reference (b)) provided the employee continues to meet the physical and professional requirements as stated in paragraph SC331.6.8.

SC 331.6.5. Reentry into a Covered Position (Appendix A). Individuals who exceed the maximum entry age limit (36), but previously served in covered positions in the Department, may be reinstated to a covered position only if the individuals:

SC331.6.5.1. Meet the applicable qualification requirements for the position;

SC331.6.5.2. Have received ATC Specialist Certification according to FAA standards;

SC331.6.5.3. Have been qualified and facility certified in a DoD or FAA ATC facility; and

SC331.6.5.4. Will be able to complete a total of 20 years of covered service as ATC by the last day of the month in which the individual reaches his or her 56th birthday. (See Appendix A)

SC331.6.5.5. Designees in paragraph SC331.5.3. may approve a waiver as prescribed in subparagraph SC331.6.4. for an individual who does not meet reentry requirements.

SC331.6.6. Mandatory Separation. Under 5 U.S.C. 8335(a) (CSRS) and 8425(a) (FERS), an ATC who is otherwise eligible for immediate retirement under 5 U.S.C. 8336(e) (CSRS) and 8412(e) (FERS), must be separated from Federal service on the last day of the month the employee becomes 56 years of age, unless:

SC331.6.6.1. The designee in SC331.5.4. has granted the employee a waiver of the mandatory separation provisions of SC331.6.6. based on possession of exceptional skills and experience as an ATC. In such a case, the employee shall be separated on the day of his or her 61st birthday.

SC331.6.6.2. The designee in SC331.5.2. has granted the employee a waiver of the maximum entry age provisions of paragraph SC331.6.4., and the employee has not yet completed 20 years of service. In such a case, the employee shall be separated on the last day of the month he or she completes 20 years of service (reference (b)).

SC331.6.6.3. Notification Requirements. Employing offices are responsible for notifying covered employees in writing of the date of separation at least 60 days before that date. Notwithstanding paragraph SC331.5.4., action to separate such an employee shall not be effective until the last day of the month the 60-day notice expires, unless the employee consents to an earlier date.

SC331.6.7. Enhanced Retirement Benefits. Special retirement coverage allows an enhanced annuity formula and reduced age/service requirements for retirement for ATC positions.

SC331.6.7.1. CSRS Coverage. Under 5 U.S.C. 8336(e) an employee is entitled to a special annuity computation as provided under 5 U.S.C. 8339(e) (reference (b)) after:

SC331.6.7.1.1. Completing 25 years of service as an ATC, or

SC331.6.7.1.2. Becoming 50 years of age and completing 20 years of service as an ATC.

SC331.6.7.2. FERS Coverage. Under 5 U.S.C. 8412(e), an employee is entitled to a special annuity computation as provided under 5 U.S.C. 8415(d) (reference (b)) after:

SC331.6.7.2.1. Completing 25 years of service as an ATC, or

SC331.6.7.2.2. Becoming 50 years of age and completing 20 years of service as an ATC.

SC331.6.8. Retention Requirements. The physical requirements prescribed by the U.S. OPM Qualification Standards Operating Manual, GS-2152, apply for covered positions.

SC331.6.8.1. Employees occupying ATC positions must requalify in an annual medical examination.

SC331.6.8.2. Employees occupying ATC positions must maintain certifications, facility ratings, and proficiency standards as stipulated in applicable Component Directives.

SC331.6.8.3. Employees who are found to be physically or emotionally unqualified for ATC duties at any time will be subject to reassignment to positions for which they are qualified; retired for disability, if eligible; or separated from the service.

SC331.7. RESPONSIBILITIES

SC331.7.1. The Deputy Under Secretary of Defense (Civilian Personnel Policy), shall

SC331.7.1.1. Develop and maintain policy on matters relating to the employment of ATCs.

SC331.7.2. The Heads of the DoD Components shall:

SC331.7.2.1. Ensure compliance with this policy.

SC331.7.2.2. Verify position coverage determinations have been made by the proper DoD Component authority before filling vacant positions.

SC331.7.2.3. Issue implementing guidance and procedures to:

SC331.7.2.3.1. Hire only those individuals who meet all applicable qualifications and certifications requirements for ATC positions.

SC331.7.2.3.2. Requalify ATCs based on an annual medical examination.

SC331.7.2.3.3. Establish policy to ensure employees occupying ATC positions maintain certifications, facility ratings, and proficiency standards as stipulated in applicable Component directives.

SC331.7.2.3.4. Document all exceptions to the maximum entry age and mandatory separation provisions made in accordance with this regulation. All exceptions must be recorded in the OPF of the appointee.

SC331.7.2.3.5. Maintain documentation reflecting approval of position coverage in the employee's Official Personnel File.

SC331.7.2.3.6. Review vacant ATC positions for compliance with SC331.7.2.

SC331.8. EFFECTIVE DATE

This Subchapter is effective immediately.

AP 1. APPENDIX A TO SC331

EXAMPLES OF REENTRY INTO COVERED POSITIONS

SC331.AP1.1. Peter receives his original appointment to a covered ATC position (under CSRS) at age 25. After working as an ATC for 8 years, Peter resigns. Now, at age 39, he applies, once again, for an ATC position with DoD. To determine whether Peter is eligible for reentry into a covered ATC position without an age waiver, we first determine whether Peter will be able complete a minimum of 20 years of covered service by age 56.

- a. Peter has 8 years of covered service. He needs an additional 12 years of covered service to retire. (20 years – 8 years = 12). Peter must retire by age 56.
- b. To determine the maximum reentry age without a waiver, subtract the 12 additional years of covered service Peter needs to be eligible for retirement from the mandatory retirement age, 56 (56 – 12 = 44). Peter must reenter DoD by the last day of the month that he reaches 44 years of age.
- c. Peter is 39; therefore he has not exceeded the maximum reentry age standard and can be reemployed in the covered ATC position without an age waiver.

SC331.AP1.2. Joan received her original appointment to a covered ATC (under CSRS) position at the age of 28. After working in a covered air traffic controller position for 3 years, Joan resigned. At age 34, Joan was reemployed in DoD to a covered ATC position under FERS. After 5 years, Joan again resigned and took a refund of her FERS retirement contributions. Now at age 42, Joan is applying for another covered ATC position. The ATC must have 20 years of covered service by the time they reach the last day of the month of their 56th birthday.

- a. Joan's 3 years of covered service under CSRS can be used to meet the reentry age standard. However, because she received a refund for her 5 years of service in the FERS covered position, the FERS refunded service is not creditable for retirement and is not covered service for computing the individual's reentry age.
- b. Since Joan has only 3 years of covered service, she will need 17 more years to reach 20 years of covered service by age 56 (56 – 17 = 39).

Subtract 17 from 56 to arrive at Joan's maximum reentry age of 39. Joan is 42; her maximum reentry age is 39. Therefore, Joan cannot be rehired for a covered ATC position without an age waiver.